

19
18.08.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 23123 of 2023

**Mr. Narayan Das
-versus
Union of India & Ors.**

**Mr. Debangan Bhattacharjee,
Mr. Mahiul Islam,
Mr. Siddhartha Mukhopadhyay.
...For the Petitioner.**

**Ms. Jhuma Chakraborty, Sr. Adv,
Mr. Pariksit Goswami.
...For the State.**

**Mr. Supravat Banerjee,
Mr. Jyotirmoy Jha.
...For UOI.**

**Mr. Sunit Kumar Roy.
...For KMC.**

**Mr. Saibalendu Bhowmik,
Mr. Rajsekhar Basu.
...For the Respondent No.8.**

1. The petitioner/ husband and his wife intend to avail the benefit under the Assisted Reproductive Technology (Regulation) Act, 2021.

2. The petitioner has crossed the prescribed age limit of fifty five years but claims that his wife is within the stipulated age of fifty years.

3. The parties started the procedures under the Act in the year 2019 but because of the Covid Pandemic in 2020, the petitioner was unable to conclude the procedures. When the procedures started, the petitioner was well within the prescribed age limit.

4. As the wife of the petitioner is still within the prescribed age, the petitioner intends to continue with the procedures.

5. The petitioner relies upon the judgment dated 22nd November, 2024 in WPA 23776 of 2024 by this Bench in the matter of ***Shyamoli Saha & Ors. – vs- The State of West Bengal & Ors.*** reported in ***AIR 2025 Cal 55= (2024) 3 CAL LT 21 (HC)***.

6. As it appears that the facts of the instant case are similar to the facts of Shyamoli Saha (supra), accordingly, the direction passed in the matter of Shyamoli Saha (supra) shall apply in the present case.

7. The clinic where the petitioner intends to undergo the procedures shall permit the petitioner to avail the facilities under the Act.

8. The writ petition stands disposed of.

9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)